

1641.

FIRE APPARATUS—TOWNSHIP TRUSTEES AND COUNCIL OF VILLAGE ARE NOT AUTHORIZED TO MAKE JOINT PURCHASE OF SUCH APPARATUS.

The statutes of Ohio do not authorize the joint purchase of fire apparatus by the township trustees and the council of a village within the township.

COLUMBUS, OHIO, November 5, 1920.

HON. CHESTER A. MECK, *Prosecuting Attorney, Bucyrus, Ohio.*

DEAR SIR:—Your letter of recent date is at hand, reading as follows:

“The township trustees of Cranberry township of this county desire to purchase an auto fire extinguisher in conjunction with the village council of New Washington of this county, which village is in the township of Cranberry. The trustees desire to pay one half of the cost of this purchase and the village desires to pay the other half. The matter of this purchase was called to my attention as to how the trustees would proceed and I have been unable to find any statutory authority in the Ohio laws under which the trustees of the township are authorized to expend money for this purpose. In other words, there seems to be no law directly or explicitly giving the trustees this power and if they have any power it must come, according to my judgment, from their general powers to make purchases for the benefit of their township. The total cost of the equipment will be about two thousand dollars. I desire your opinion on this subject.”

The authority of villages in the matter of fire protection is expressly set forth in section 4389 G. C., et seq.

That township trustees now have express authority to provide against fires and to provide and maintain fire apparatus, is clear in view of the provisions of H. B. 332, 108 O. L., Part II, page 1152, said provisions being known as sections 3298-54, 3298-55, 3298-56, 3298-57, 3298-58, and 3298-59 G. C.

The first three of the sections just referred to read thus:

“Sec. 3298-54. Township trustees may establish all necessary regulations to guard against the occurrence of fires, protect the property and lives of the citizens against damages and accidents resulting therefrom, and, when a volunteer fire company has been organized for service in the township, of such character as to give assurance of permanency and efficiency, may purchase and provide, for the use of such company, such fire apparatus and appliances as may seem to the trustees advisable, in which event they shall provide for the care and maintenance thereof, and, for such purpose, may purchase, lease or construct and maintain necessary buildings; and they may establish and maintain lines of fire alarm telegraph within the limits of the township.”

“Sec. 3298-55. The trustees of a township are authorized to levy in any year or years a sufficient tax upon all the taxable property in the township to provide protection against fire and to provide and maintain fire apparatus and appliances and buildings and sites therefor for the use of volunteer fire companies.”

"Sec. 3298-56. Whenever there is presented to the trustees of a township, a petition signed by not less than thirty per cent of the electors of the township as shown at the last preceding general election held therein, requesting the submission to the electors of the township of the question of issuing bonds in an amount not exceeding twenty thousand dollars for the purpose of providing fire apparatus and appliances and buildings and sites therefor for the use of volunteer fire companies, the trustees shall provide by resolution for the submission of such question to the electors at the next general election."

Section 3298-57 G. C. provides for the submission to the electors of the question of issuing bonds, and section 3298-58 and section 3298-59 relate to the issue of said bonds, when authority therefor has been obtained, and provide for a special fund in the township treasury known as "the fire equipment fund."

It appears from your letter, however, that what is in contemplation is not simply a purchase by the township trustees of Cranberry township of an auto fire extinguisher, but a purchase "in conjunction with the village council of New Washington." You further indicate that the trustees desire to pay one half of the cost and the village authorities desire to pay the other half of the cost of the equipment in question.

H. B. 332, above referred to, makes no provision for joint action by a township and a village in the matter of the purchase of fire apparatus, and I am unable to find any statutory provision whatever for such joint action. It does not, of course, follow that whatever can be done by public boards or officers singly, can as a matter of law be done by them in conjunction with each other. That such an arrangement might in many cases conduce to convenience and economy of public funds may be conceded, but these considerations do not, of course, atone for the lack of statutory authority.

For reasons just given, I am of the opinion that the plan referred to in your letter, to-wit: a joint purchase of an auto fire extinguisher by the township trustees and the council of a village within the township, cannot legally be consummated.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1642.

BANKS AND BANKING—STATE BANK MAY ESTABLISH BRANCHES IN THOSE CITIES AND VILLAGES ONLY WHICH TOUCH OR ABUT UPON PLACE DESIGNATED IN ITS ARTICLES OF INCORPORATION—SUCH BANK MAY NOT MAKE LOANS SECURED BY MORTGAGE UPON REAL ESTATE IN STATES WHICH DO NOT BOUND OR ABUT UPON OHIO.

1. *A state bank may establish branches in those cities and villages only which touch or abut upon the place designated in its articles of incorporation for the transaction of its business.*

2. *Such bank may not make loans secured by mortgage upon real estate in states which do not bound or abut upon Ohio.*

COLUMBUS, OHIO, November 8, 1920.

HON. IRA R. PONTIUS, *Superintendent of Banks, Columbus, Ohio.*

DEAR SIR:—You have requested my official opinion as to the meaning of the